IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 888 of 1997

Between:

V. Prasada Rao, s/o. Krupanandam,

R/o.Bhadrachalam, Khammam District.

..... PETITIONER

AND

1. Industrial Tribunal cum Labour Court, Warangal.

2. M/s.Bhadrachalam Paper Boards Limited,

rep.by its Vice President, Bhadrachalam, Khammam Dist.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari and quash the award of the first respondent in I.D.No.139 of 1989, dated 23-7-1996 insofar as it relates to denial of reinstatement, back wages and other service benefits to the petitioner and direct the second respondent to reinstate the petitioner in service with back wages and all other benefits including continuity of service.

Counsel for the Petitioner : MR.V.VENKATARAMANA

Counsel for the Respondent No.1 : G.P. for Labour.

Counsel for Respondent No.2 : None appeared.

The Court made the following :

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ORDER :

This writ petition is filed by the petitioner-workman aggrieved by the award of the Labour Court passed in I.D.No.139 of 1989, dated 23-7-1996 under which the petitioner-workman was ordered to be reinstated as a fresh candidate without granting any relief of back wages, continuity of service, etc.

Learned counsel for the petitioner contended that against the order of termination, the petitioner raised an Industrial Dispute and in the earlier round of litigation, the Labour Court passed a nil award without granting any relief. But in a writ petition, the said award was set aside and the matter was remitted to the Labour Court for fresh adjudication. In the second round of litigation, the Labour Court, while considering the matter on merits, though ordered reinstatement but denied the other benefits, such as back wages, continuity of service, etc., as the workman was ordered to be reinstated as a fresh recruit. Aggrieved by that the petitioner has come up with the present writ petition. The learned counsel contended that the Labour Court, having found that the order of termination was not just and proper in view of the alleged misconduct said to have been committed by the petitioner-workman, ought to have been reinstated the workman with all consequential benefits, and therefore, sought for modification of the award.

The learned counsel for the respondent, on the other hand, supported the award and contended that the writ petition filed by the management assailing the award has already been dismissed, therefore, the petitioner-workman is not entitled to any further relief.

Heard both sides and considered the material on record.

The Labour Court having considered the gravity of the charges and also the conduct of the workman ordered reinstatement as a fresh recruit, denying all other consequential benefits. The said order was passed after considering the entire material on record and there is no illegality or irregularity in the said order warranting interference.

The writ petition is accordingly dismissed. No costs.

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(S.ANANDA REDDY,J.)

2-12-2004.

Msr.

To

1. Industrial Tribunal cum Labour Court, Warangal.

2. 2CCs to G.P. for Labour, High Court Buildings, Hyd.(OUT)

3. 2CD copies

HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.888 of 1997

2-12-2004.

(Msr)